S T A T E O F N E W Y O R K

5636

2013-2014 Regular Sessions

I N S E N A T E

May 30, 2013

Introduced by Sen. SAVINO -- read twice and ordered printed, and when printed to be committed to the Committee on Labor

AN ACT to amend the labor law, in relation to the calculation of weekly unemployment insurance benefits for workers who are partially unemployed; to amend the executive law, in relation to unlawful hiring discrimination by employers, employment agencies and licensing agencies based upon an individual's unemployment status; to amend the labor law, in relation to increasing unemployment insurance benefits; to amend chapter 831 of the laws of 1981 amending the labor law relating to fees and expenses in unemployment insurance proceedings, in relation to the effectiveness thereof; to amend the labor law, in relation to non-recoverable benefits; and to amend chapter 413 of the laws of 2003 amending the labor law relating to the self-employment assistance program and other matters, in relation to the effectiveness thereof; to amend the labor law, in relation to concurrent payments prohibited; and to repeal certain provisions of the labor law relating thereto

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 522 of the labor law, as amended by chapter 720 of the laws of 1953, is amended to read as follows:

S 522. Total unemployment AND PARTIAL UNEMPLOYMENT. "Total unemployment" means the total lack of any employment [on any day] DURING ANY WEEK. "PARTIAL UNEMPLOYMENT" MEANS ANY EMPLOYMENT DURING ANY WEEK THAT IS LESS THAN FULL-TIME EMPLOYMENT SO LONG AS THE COMPENSATION PAID IS LESS THAN THE CLAIMANT'S WEEKLY BENEFIT RATE PLUS THE CLAIMANT'S PARTIAL BENEFIT CREDIT. The term "employment" as used in this section means any employment including that not defined in this title.

S 2. Section 523 of the labor law is REPEALED and a new section 523 is added to read as follows:

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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S 523. EFFECTIVE WEEK. "EFFECTIVE WEEK" MEANS (A) A WEEK DURING WHICH A CLAIMANT PERFORMS NO SERVICES FOR WHICH THE CLAIMANT IS PAID COMPENSATION, OR (B) A WEEK DURING WHICH A CLAIMANT PERFORMS SERVICES ON A PART-TIME BASIS FOR WHICH THE CLAIMANT IS PAID COMPENSATION THAT IS LESS THAN THE CLAIMANT'S WEEKLY BENEFIT RATE PLUS HIS OR HER PARTIAL BENEFIT CREDIT.

S 3. The labor law is amended by adding a new section 514-a to read as follows:

S 514-A. PARTIAL BENEFIT CREDIT. "PARTIAL BENEFIT CREDIT" MEANS THAT PART OF THE COMPENSATION, IF ANY, PAID TO A CLAIMANT WITH RESPECT TO A WEEK FOR WHICH BENEFITS ARE CLAIMED UNDER THE PROVISIONS OF THIS CHAPTER WHICH IS NOT IN EXCESS OF FORTY PER CENTUM OF THE INDIVIDUAL'S WEEKLY BENEFIT RATE, OR SEVENTY-ONE DOLLARS AND FIFTY CENTS, WHICHEVER IS THE GREATER. SUCH PARTIAL BENEFIT CREDIT, IF NOT A MULTIPLE OF ONE DOLLAR, SHALL BE COMPUTED TO THE NEXT HIGHER MULTIPLE OF ONE DOLLAR.

S 4. Subdivision 4 of section 527 of the labor law, as amended by chapter 832 of the laws of 1968 and as renumbered by chapter 381 of the laws of 1984, is amended to read as follows:

4. General condition. A valid original claim may be filed only in a week [in which the claimant has at least one effective day of unemployment] THAT QUALIFIES AS AN EFFECTIVE WEEK OF UNEMPLOYMENT FOR THE CLAIMANT.

S 5. Subparagraph 2 of paragraph (e) of subdivision 1 of section 581 of the labor law, as amended by chapter 282 of the laws of 2002, clause (v) as added by chapter 106 of the laws of 2007, is amended to read as follows:

(2) Benefits payable to any claimant with respect to the claimant's then current benefit year shall be charged, when paid, to the account of the last employer prior to the filing of a valid original claim in an amount equal to seven times the claimant's benefit rate. Thereafter, such charges shall be made to the account of each employer in the base period used to establish the valid original claim in the same proportion that the remuneration paid by each employer to the claimant during that base period bears to the remuneration paid by all employers to the claimant during that base period except as provided below:

(i) In those instances where the claimant may not utilize wages paid to establish entitlement based upon subdivision ten of section five hundred ninety of this article and an educational institution is the claimant's last employer prior to the filing of the claim for benefits, or the claimant performed services in such educational institution in such capacity while employed by an educational service agency which is the claimant's last employer prior to the filing of the claim for benefits, such employer shall not be liable for benefit charges for the first [twenty-eight effective days] SEVEN EFFECTIVE WEEKS of benefits paid as otherwise provided by this section. Under such circumstances, benefits paid shall be charged to the general account. In addition, wages paid during the base period by such educational institutions, or for services in such educational institutions for claimants employed by an educational service agency shall not be considered base period wages during periods that such wages may not be used to gain entitlement to benefits pursuant to subdivision ten of section five hundred ninety of this article.

(ii) In those instances where the claimant may not utilize wages paid to establish entitlement based upon subdivision eleven of section five hundred ninety of this article and an educational institution is the claimant's last employer prior to the filing of the claim for benefits,

or the claimant performed services in such educational institution in such capacity while employed by an educational service agency which is the claimant's last employer prior to the filing of the claim for benefits, such employer shall not be liable for benefit charges for the first [twenty-eight effective days] SEVEN EFFECTIVE WEEKS of benefits paid as otherwise provided by this section. Under such circumstances, benefits paid will be charged to the general account. In addition, wages paid during the base period by such educational institutions, or for services in such educational institutions for claimants employed by an educational service agency shall not be considered base period wages during periods that such wages may not be used to gain entitlement to benefits pursuant to subdivision eleven of section five hundred ninety of this article. However, in those instances where a claimant was not afforded an opportunity to perform services for the educational institution for the next academic year or term after reasonable assurance was provided, such employer shall be liable for benefit charges as provided for in this paragraph for any retroactive payments made to the claimant.

(iii) In those instances where the federal government is the claimant's last employer prior to the filing of the claim for benefits and such employer is not a base-period employer, payments equaling the first [twenty-eight effective days] SEVEN EFFECTIVE WEEKS of benefits as otherwise prescribed by this section shall be charged to the general account. In those instances where the federal government is the claimant's last employer prior to the filing of the claim for benefits and a base-period employer, such employer shall be liable for charges for all benefits paid on such claim in the same proportion that the remuneration paid by such employer during the base period bears to the remuneration paid by all employers during the base period. In addition, benefit payment charges for the first [twenty-eight effective days] SEVEN EFFECTIVE WEEKS of benefits other than those chargeable to the federal government as prescribed above shall be made to the general account.

(iv) In those instances where a combined wage claim is filed pursuant to interstate reciprocal agreements and the claimant's last employer prior to the filing of the claim is an out-of-state employer and such employer is not a base-period employer, benefit payments equaling the first [twenty-eight effective days] SEVEN EFFECTIVE WEEKS of benefits as otherwise prescribed by this section shall be charged to the general account. In those instances where the out-of-state employer is the last employer prior to the filing of the claim for benefits and a base-period employer such employer shall be liable for charges for all benefits paid on such claim in the same proportion that the remuneration paid by such employer during the base period bears to the remuneration paid by all employers during the base period. In addition, benefit payment charges for the [twenty-eight effective days] SEVEN EFFECTIVE WEEKS of benefits other than those chargeable to the out-of-state employer as prescribed above shall be made to the general account.

(v) In those instances where the last employer prior to the filing of a valid original claim has paid total remuneration to the claimant during the period from the start of the base period used to establish the benefit claim until the date of the claimant's filing of the valid original claim in an amount less than or equal to six times the claimant's benefit rate and the last employer has substantiated such amount to the satisfaction of the commissioner within ten days of the commissioner's original notice of potential charges to such last employer's account, benefits shall be charged as follows: benefits payable to the claimant with respect to the claimant's then current benefit year shall

be charged, when paid, to the account of such last employer prior to the filing of a valid original claim in an amount equal to the lowest whole number (one, two, three, four, five, or six) times the claimant's benefit rate where the product of such lowest whole number times the claimant's benefit rate is equal to or greater than such total remuneration paid by such last employer to the claimant. Thereafter, such charges shall be made to the account of each employer in the base period used to establish the valid original claim in the same proportion that the remuneration paid by each employer to the claimant during that base period bears to the remuneration paid by all employers to the claimant during that base period. Notice of such recalculation of potential charges shall be given to the last employer and each employer of the claimant in the base period used to establish the valid original claim.

S 6. Subdivision 1 of section 590 of the labor law, as amended by chapter 645 of the laws of 1951, is amended to read as follows:

1. Entitlement to benefits. A claimant shall be entitled to accumulate effective [days] WEEKS for the purpose of benefit rights only if he OR SHE has complied with the provisions of this article regarding the filing of his OR HER claim, including the filing of a valid original claim, registered as totally OR PARTIALLY unemployed, reported his OR HER subsequent employment and unemployment, and reported for work or otherwise given notice of the continuance of his OR HER unemployment.

S 7. Subdivision 3 of section 590 of the labor law, as amended by chapter 645 of the laws of 1951, is amended to read as follows:

3. Compensable periods. Benefits shall be paid for each [accumulation of] effective [days within a] week.

S 8. Subdivision 4 of section 590 of the labor law, as amended by chapter 457 of the laws of 1987, is amended to read as follows:

4. Duration. Benefits shall not be paid for more than [one hundred and four effective days] TWENTY-SIX EFFECTIVE WEEKS in any benefit year, except as provided in section six hundred one and subdivision two of section five hundred ninety-nine of this chapter.

S 9. Subdivision 5 of section 590 of the labor law, as amended by chapter 413 of the laws of 2003, is amended to read as follows:

A claimant's weekly benefit amount shall be one twenty-sixth of the remuneration paid during the highest calendar quarter of the base period by employers, liable for contributions or payments in lieu of contributions under this article. However, for claimants whose high calendar quarter remuneration during the base period is three thousand five hundred seventy-five dollars or less, the benefit amount shall be one twenty-fifth of the remuneration paid during the highest calendar quarter of the base period by employers liable for contributions or payments in lieu of contributions under this article. ANY CLAIMANT WHO IS PARTIALLY UNEMPLOYED WITH RESPECT TO ANY EFFECTIVE WEEK SHALL BE PAID, WITH RESPECT TO SUCH EFFECTIVE WEEK, A BENEFIT AMOUNT EQUAL TO HIS OR HER WEEKLY BENEFIT AMOUNT LESS THE TOTAL OF THE REMUNERATION, IF ANY, PAID OR PAYABLE TO HIM OR HER WITH RESPECT TO SUCH WEEK FOR SERVICES PERFORMED WHICH IS IN EXCESS OF HIS OR HER PARTIAL BENEFIT CREDIT. Any claimant whose high calendar quarter remuneration during the base period is more than three thousand five hundred seventy-five dollars shall not have a weekly benefit amount less than one hundred forty-three dollars. The weekly benefit amount, so computed, that is not a multiple of one dollar shall be lowered to the next multiple of one dollar. On the first Monday of September, nineteen hundred ninety-eight the weekly benefit amount shall not exceed three hundred sixty-five dollars nor be less than forty dollars, until the first Monday of September, two thousand,

at which time the maximum benefit payable pursuant to this subdivision shall equal one-half of the state average weekly wage for covered employment as calculated by the department no sooner than July first, two thousand and no later than August first, two thousand, rounded down to the lowest dollar.

S 9-a. Paragraph (a) of subdivision 5 of section 590 of the labor law, as amended by section 8 of part O of chapter 57 of the laws of 2013, is amended to read as follows:

(a) A claimant's weekly benefit amount shall be one twenty-sixth of the remuneration paid during the highest calendar quarter of the base period by employers, liable for contributions or payments in lieu of contributions under this article, provided the claimant has remuneration paid in all four calendar quarters during his or her base period or alternate base period. However, for any claimant who has remuneration paid in all four calendar quarters during his or her base period or alternate base period and whose high calendar quarter remuneration during the base period is three thousand five hundred seventy-five dollars or less, the benefit amount shall be one twenty-fifth of the remuneration paid during the highest calendar quarter of the base period by employers liable for contributions or payments in lieu of contributions under this article. A claimant's weekly benefit shall be one twenty-sixth of the average remuneration paid in the two highest quarters paid during the base period or alternate base period by employers liable for contributions or payments in lieu of contributions under this article when the claimant has remuneration paid in two or three calendar quarters provided however, that a claimant whose high calendar quarter is four thousand dollars or less but greater than three thousand five hundred seventy-five dollars shall have a weekly benefit amount of one twenty-sixth of such high calendar quarter. However, for any claimant who has remuneration paid in two or three calendar quarters during his or her base period or alternate base period and whose high calendar quarter remuneration during the base period is three thousand five hundred seventy-five dollars or less, the benefit amount shall be one twenty-fifth of the remuneration paid during the highest calendar quarter of the base period by employers liable for contributions or payments in lieu of contributions under this article. ANY CLAIMANT WHO IS PARTIALLY UNEMPLOYED WITH RESPECT TO ANY EFFECTIVE WEEK SHALL BE PAID, WITH RESPECT TO SUCH EFFECTIVE WEEK, A BENEFIT AMOUNT EQUAL TO HIS OR HER WEEKLY BENEFIT AMOUNT LESS THE TOTAL OF THE REMUNERATION, IF ANY, PAID OR PAYABLE TO HIM OR HER WITH RESPECT TO SUCH WEEK FOR SERVICES PERFORMED WHICH IS IN EXCESS OF HIS OR HER PARTIAL BENEFIT CREDIT. Any claimant whose high calendar quarter remuneration during the base period is more than three thousand five hundred seventy-five dollars shall not have a weekly benefit amount less than one hundred forty-three dollars. The weekly benefit amount, so computed, that is not a multiple of one dollar shall be lowered to the next multiple of one dollar. On the first Monday of September, nineteen hundred ninety-eight the weekly benefit amount shall not exceed three hundred sixty-five dollars nor be less than forty dollars, until the first Monday of September, two thousand, at which time the maximum benefit payable pursuant to this subdivision shall equal one-half of the state average weekly wage for covered employment as calculated by the department no sooner than July first, two thousand and no later than August first, two thousand, rounded down to the lowest dollar. On and after the first Monday of October, two thousand fourteen, the weekly benefit shall not be less than one hundred dollars, nor shall it exceed four hundred twenty dollars until the first

Monday of October, two thousand fifteen when the maximum benefit amount shall be four hundred twenty-five dollars, until the first Monday of October, two thousand sixteen when the maximum benefit amount shall be four hundred thirty dollars, until the first Monday of October, two thousand seventeen when the maximum benefit amount shall be four hundred thirty-five dollars, until the first Monday of October, two thousand eighteen when the maximum benefit amount shall be four hundred fifty dollars, until the first Monday of October, two thousand nineteen when the maximum benefit amount shall be thirty-six percent of the average weekly wage until the first Monday of October, two thousand twenty when the maximum benefit amount shall be thirty-eight percent of the average weekly wage, until the first Monday of October two thousand twenty-one when the maximum benefit amount shall be forty percent of the average weekly wage, until the first Monday of October, two thousand twenty-two when the maximum benefit amount shall be forty-two percent of the average weekly wage, until the first Monday of October, two thousand twenty-three when the maximum benefit amount shall be forty-four percent of the average weekly wage, until the first Monday of October, two thousand twenty-four when the maximum benefit amount shall be forty-six percent of the average weekly wage, until the first Monday of October, two thousand twenty-five when the maximum benefit amount shall be forty-eight percent of the average weekly wage, until the first Monday of October, two thousand twenty-six and each year thereafter on the first Monday of October when the maximum benefit amount shall be fifty percent of the average weekly wage provided, however, that in no event shall the maximum benefit amount be reduced from the previous year.

S 10. Subdivision 6 of section 590 of the labor law, as added by chapter 720 of the laws of 1953 and as renumbered by chapter 675 of the laws of 1977, is amended to read as follows:

6. Notification requirement. No effective [day] WEEK shall be counted for any purposes except effective [days] WEEKS as to which notification has been given in a manner prescribed by the commissioner.

S 11. Subdivision 7 of section 590 of the labor law, as amended by chapter 415 of the laws of 1983, is amended to read as follows:

7. Waiting period. A claimant shall not be entitled to accumulate effective [days] WEEKS for the purpose of benefit payments until he OR SHE has accumulated a waiting period of [four effective days either wholly within the week in which he established his valid original claim or partly within such week and partly within his benefit year initiated by such claim] ONE EFFECTIVE WEEK.

S 12. Subdivision 1 of section 591 of the labor law, as amended by chapter 413 of the laws of 2003, is amended to read as follows:

1. Unemployment. Benefits, except as provided in section five hundred ninety-one-a of this title, shall be paid only to a claimant who is totally unemployed OR PARTIALLY UNEMPLOYED and who is unable to engage in his OR HER usual employment or in any other for which he OR SHE is reasonably fitted by training and experience. A claimant who is receiving benefits under this article shall not be denied such benefits pursuant to this subdivision or to subdivision two of this section because of such claimant's service on a grand or petit jury of any state or of the United States.

S 13. Subdivision 1 of section 591 of the labor law, as amended by chapter 446 of the laws of 1981, is amended to read as follows:

1. Unemployment. Benefits shall be paid only to a claimant who is totally unemployed OR PARTIALLY UNEMPLOYED and who is unable to engage in his OR HER usual employment or in any other for which he OR SHE is

reasonably fitted by training and experience. A claimant who is receiving benefits under this article shall not be denied such benefits pursuant to this subdivision or to subdivision two of this section because of such claimant's service on a grand or petit jury of any state or of the United States.

S 14. Subparagraph (i) of paragraph (b) of subdivision 2 of section 591-a of the labor law, as amended by section 14 of part O of chapter 57 of the laws of 2013, is amended to read as follows:

(i) requirements relating to total unemployment AND PARTIAL UNEMPLOYMENT, as defined in section five hundred twenty-two of this article, availability for work and search for work, as set forth in subdivision two of section five hundred ninety-one of this title and refusal to accept work, as set forth in subdivision two of section five hundred ninety-three of this title, are not applicable to such individuals;

S 15. Subdivision 2 of section 592 of the labor law, as amended by chapter 415 of the laws of 1983, is amended to read as follows:

2. Concurrent payments prohibited. No [days] WEEKS of total unemployment OR PARTIAL UNEMPLOYMENT shall be deemed to occur in any week with respect to which [or a part of which] a claimant has received or is seeking unemployment benefits under an unemployment compensation law of any other state or of the United States, provided that this provision shall not apply if the appropriate agency of such other state or of the United States finally determines that he OR SHE is not entitled to such unemployment benefits.

S 16. Paragraph (a) of subdivision 1 of section 593 of the labor law, as amended by section 15 of part O of chapter 57 of the laws of 2013, is amended to read as follows:

(a) No [days] WEEKS of total unemployment OR PARTIAL UNEMPLOYMENT shall be deemed to occur after a claimant's voluntary separation without good cause from employment until he or she has subsequently worked in employment and earned remuneration at least equal to ten times his or her weekly benefit rate. In addition to other circumstances that may be found to constitute good cause, including a compelling family reason as set forth in paragraph (b) of this subdivision, voluntary separation from employment shall not in itself disqualify a claimant if circumstances have developed in the course of such employment that would have justified the claimant in refusing such employment in the first instance under the terms of subdivision two of this section or if the claimant, pursuant to an option provided under a collective bargaining agreement or written employer plan which permits waiver of his or her right to retain the employment when there is a temporary layoff because of lack of work, has elected to be separated for a temporary period and the employer has consented thereto.

S 17. Subdivision 2 of section 593 of the labor law, as amended by chapter 415 of the laws of 1983, the opening paragraph as amended by section 15 of part O of chapter 57 of the laws of 2013, paragraph (a) as added by chapter 589 of the laws of 1998, and paragraphs (d) and (e) as amended by chapter 35 of the laws of 2009, is amended to read as follows:

2. Refusal of employment. No [days] WEEKS of total unemployment OR PARTIAL UNEMPLOYMENT shall be deemed to occur beginning with the [day on] WEEK IN which a claimant, without good cause, refuses to accept an offer of employment for which he or she is reasonably fitted by training and experience, including employment not subject to this article, until he or she has subsequently worked in employment and earned remuneration at least equal to ten times his or her weekly benefit rate. Except that

claimants who are not subject to a recall date or who do not obtain employment through a union hiring hall and who are still unemployed after receiving ten weeks of benefits shall be required to accept any employment proffered that such claimants are capable of performing, provided that such employment would result in a wage not less than eighty percent of such claimant's high calendar quarter wages received in the base period and not substantially less than the prevailing wage for similar work in the locality as provided for in paragraph (d) of this subdivision. No refusal to accept employment shall be deemed without good cause nor shall it disqualify any claimant otherwise eligible to receive benefits if:

(a) a refusal to accept employment which would interfere with a claimant's right to join or retain membership in any labor organization or otherwise interfere with or violate the terms of a collective bargaining agreement shall be with good cause;

(b) there is a strike, lockout, or other industrial controversy in the establishment in which the employment is offered; or

(c) the employment is at an unreasonable distance from his OR HER residence, or travel to and from the place of employment involves expense substantially greater than that required in his OR HER former employment unless the expense be provided for; or

(d) the wages or compensation or hours or conditions offered are substantially less favorable to the claimant than those prevailing for similar work in the locality, or are such as tend to depress wages or working conditions; or

(e) the claimant is seeking part-time work as provided in subdivision five of section five hundred ninety-six of this title and the offer of employment is not comparable to his or her part-time work as defined in such subdivision.

S 18. Subdivision 3 of section 593 of the labor law, as amended by section 15 of part O of chapter 57 of the laws of 2013, is amended to read as follows:

3. Misconduct. No [days] WEEKS of total unemployment OR PARTIAL UNEMPLOYMENT shall be deemed to occur after a claimant lost employment through misconduct in connection with his or her employment until he or she has subsequently worked in employment and earned remuneration at least equal to ten times his or her weekly benefit rate.

S 19. Subdivision 4 of section 593 of the labor law, as amended by chapter 589 of the laws of 1998, is amended to read as follows:

4. Criminal acts. No [days] WEEKS of total unemployment OR PARTIAL UNEMPLOYMENT shall be deemed to occur during a period of twelve months after a claimant loses employment as a result of an act constituting a felony in connection with such employment, provided the claimant is duly convicted thereof or has signed a statement admitting that he or she has committed such an act. Determinations regarding a benefit claim may be reviewed at any time. Any benefits paid to a claimant prior to a determination that the claimant has lost employment as a result of such act shall not be considered to have been accepted by the claimant in good faith. In addition, remuneration paid to the claimant by the affected employer prior to the claimant's loss of employment due to such criminal act may not be utilized for the purpose of establishing entitlement to a subsequent, valid original claim. The provisions of this subdivision shall apply even if the employment lost as a result of such act is not the claimant's last employment prior to the filing of his or her claim.

S 20. Section 594 of the labor law, as amended by section 16 of part O of chapter 57 of the laws of 2013, is amended to read as follows:

S 594. Reduction and recovery of benefits and penalties for wilful false statement. (1) A claimant who has wilfully made a false statement or representation to obtain any benefit under the provisions of this article shall forfeit benefits for at least the first [four] ONE but not more than the first [eighty] TWENTY effective [days] WEEKS following discovery of such offense for which he or she otherwise would have been entitled to receive benefits. Such penalty shall apply only once with respect to each such offense.

(2) For the purpose of subdivision four of section five hundred ninety of this [article] TITLE, the claimant shall be deemed to have received benefits for such forfeited effective [days] WEEKS.

(3) The penalty provided in this section shall not be confined to a single benefit year but shall no longer apply in whole or in part after the expiration of two years from the date of the final determination. Such two-year period shall be tolled during the time period a claimant has an appeal pending.

(4) A claimant shall refund all moneys received because of such false statement or representation and pay a civil penalty in an amount equal to the greater of one hundred dollars or fifteen percent of the total overpaid benefits determined pursuant to this section. The penalties collected hereunder shall be deposited in the fund. The penalties assessed under this subdivision shall apply and be assessed for any benefits paid under federal unemployment and extended unemployment programs administered by the department in the same manner as provided in this article. The penalties in this section shall be in addition to any penalties imposed under this chapter or any state or federal criminal statute. No penalties or interest assessed pursuant to this section may be deducted or withheld from benefits.

(5) (a) Upon a determination based upon a willful false statement or representation becoming final through exhaustion of appeal rights or failure to exhaust hearing rights, the commissioner may recover the amount found to be due by commencing a civil action, or by filing with the county clerk of the county where the claimant resides the final determination of the commissioner or the final decision by an administrative law judge, the appeal board, or a court containing the amount found to be due including interest and civil penalty. The commissioner may only make such a filing with the county clerk when:

(i) The claimant has responded to requests for information prior to a determination and such requests for information notified the claimant of his or her rights to a fair hearing as well as the potential consequences of an investigation and final determination under this section including the notice required by subparagraph (iii) of paragraph (b) of this subdivision. Additionally if the claimant requested a fair hearing or appeal subsequent to a determination, that the claimant was present either in person or through electronic means at such hearing, or subsequent appeal from which a final determination was rendered;

(ii) The commissioner has made efforts to collect on such final determination; and

(iii) The commissioner has sent a notice, in accordance with paragraph (b) of this subdivision, of intent to docket such final determination by first class or certified mail, return receipt requested, ten days prior to the docketing of such determination.

(b) The notice required in subparagraph (iii) of paragraph (a) of this subdivision shall include the following:

(i) That the commissioner intends to docket a final determination against such claimant as a judgment;

(ii) The total amount to be docketed; and

(iii) Conspicuous language that reads as follows: "Once entered, a judgment is good and can be used against you for twenty years, and your money, including a portion of your paycheck and/or bank account, may be taken. Also, a judgment will hurt your credit score and can affect your ability to rent a home, find a job, or take out a loan."

S 21. Subdivision 1 of section 596 of the labor law, as amended by chapter 204 of the laws of 1982, is amended to read as follows:

1. Claim filing and certification to unemployment. A claimant shall file a claim for benefits at the local state employment office serving the area in which he OR SHE was last employed or in which he OR SHE resides within such time and in such manner as the commissioner shall prescribe. He OR SHE shall disclose whether he OR SHE owes child support obligations, as hereafter defined. If a claimant making such disclosure is eligible for benefits, the commissioner shall notify the state or local child support enforcement agency, as hereafter defined, that the claimant is eligible.

A claimant shall correctly report any [days] WEEKS of employment and any compensation he OR SHE received for such employment, including employments not subject to this article, and the [days on] WEEKS DURING which he OR SHE was totally unemployed OR PARTIALLY UNEMPLOYED and shall make such reports in accordance with such regulations as the commissioner shall prescribe.

S 22. Subdivision 4 of section 596 of the labor law, as added by chapter 705 of the laws of 1944 and as renumbered by section 148-a of part B of chapter 436 of the laws of 1997, is amended to read as follows:

4. Registration and reporting for work. A claimant shall register as totally unemployed OR PARTIALLY UNEMPLOYED at a local state employment office serving the area in which he OR SHE was last employed or in which he OR SHE resides in accordance with such regulations as the commissioner shall prescribe. After so registering, such claimant shall report for work at the same local state employment office or otherwise give notice of the continuance of his OR HER unemployment as often and in such manner as the commissioner shall prescribe.

S 23. intentionally omitted.

S 24. Intentionally omitted.

S 25. The opening paragraph and paragraph (e) of subdivision 2 of section 601 of the labor law, as amended by chapter 35 of the laws of 2009, is amended to read as follows:

Eligibility conditions. Extended benefits shall be payable to a claimant for effective [days] WEEKS occurring [in any week] within an eligibility period, provided the claimant

(e) is not claiming benefits pursuant to an interstate claim filed under the interstate benefit payment plan in a state where an extended benefit period is not in effect, except that this condition shall not apply with respect to the first [eight] TWO effective [days] WEEKS for which extended benefits shall otherwise be payable pursuant to an interstate claim filed under the interstate benefit payment plan; and

S 26. Subdivision 3 of section 601 of the labor law, as amended by chapter 35 of the laws of 2009, is amended to read as follows:

3. Extended benefit amounts; rate and duration. Extended benefits shall be paid to a claimant

(a) at a rate equal to his or her rate for regular benefits during his or her applicable benefit year but

(b) for not more than [fifty-two] THIRTEEN effective [days] WEEKS with respect to his or her applicable benefit year, with a total maximum

amount equal to fifty percentum of the total maximum amount of regular benefits payable in such benefit year, and

(c) if a claimant's benefit year ends within an extended benefit period, the remaining balance of extended benefits to which he or she would be entitled, if any, shall be reduced by the number of effective [days] WEEKS for which he or she was entitled to receive trade readjustment allowances under the federal trade act of nineteen hundred seventy-four during such benefit year, and

(d) for periods of high unemployment for not more than eighty effective days with respect to the applicable benefit year with a total maximum amount equal to eighty percent of the total maximum amount of regular benefits payable in such benefit year.

S 27. Subdivision 4 of section 601 of the labor law, as amended by chapter 35 of the laws of 2009, is amended to read as follows:

4. Charging of extended benefits. The provisions of paragraph (e) of subdivision one of section five hundred eighty-one of this article shall apply to benefits paid pursuant to the provisions of this section, and if they were paid for effective [days occurring in] weeks following the end of a benefit year, they shall be deemed paid with respect to that benefit year. However, except for governmental entities as defined in section five hundred sixty-five and Indian tribes as defined in section five hundred sixty-six of this article, only one-half of the amount of such benefits shall be debited to the employers' account; the remainder thereof shall be debited to the general account, and such account shall be credited with the amount of payments received in the fund pursuant to the provisions of the federal-state extended unemployment compensation act. Notwithstanding the foregoing, where the state has entered an extended benefit period triggered pursuant to subparagraph one of paragraph (a) of subdivision one of this section for which federal law provides for one hundred percent federal sharing of the costs of benefits, all charges shall be debited to the general account and such account shall be credited with the amount of payments received in the fund pursuant to the provisions of the federal-state extended unemployment compensation act or other federal law providing for one hundred percent federal sharing for the cost of such benefits.

S 28. Paragraph (b) of subdivision 5 of section 601 of the labor law, as amended by chapter 35 of the laws of 2009, is amended to read as follows:

(b) No [days] WEEKS of total unemployment OR PARTIAL UNEMPLOYMENT shall be deemed to occur [in any week] within an eligibility period during which a claimant fails to accept any offer of suitable work or fails to apply for suitable work to which he or she was referred by the commissioner, who shall make such referral if such work is available, or during which he or she fails to engage actively in seeking work by making a systematic and sustained effort to obtain work and providing tangible evidence of such effort, and until he or she has worked in employment during at least four subsequent weeks and earned remuneration of at least four times his or her benefit rate.

S 29. Paragraph (e) of subdivision 5 of section 601 of the labor law, as amended by chapter 35 of the laws of 2009, is amended to read as follows:

(e) No [days] WEEKS of total unemployment OR PARTIAL UNEMPLOYMENT shall be deemed to occur [in any week] within an eligibility period under section five hundred ninety-three of this [article] TITLE, until he or she has subsequently worked in employment in accordance with the

requirements set forth in section five hundred ninety-three of this [article] TITLE.

S 30. Section 603 of the labor law, as amended by section 21 of part O of chapter 57 of the laws of 2013, is amended to read as follows:

S 603. Definitions. For purposes of this title: "Total unemployment" shall mean the total lack of any employment [on any day] DURING ANY WEEK AND "PARTIAL UNEMPLOYMENT" SHALL MEAN ANY EMPLOYMENT DURING ANY WEEK THAT IS LESS THAN FULL-TIME EMPLOYMENT SO LONG AS THE COMPENSATION PAID IS LESS THAN THE CLAIMANT'S WEEKLY BENEFIT RATE PLUS THE CLAIMANT'S PARTIAL BENEFIT CREDIT, other than with an employer applying for a shared work program. "Work force" shall mean the total work force, a clearly identifiable unit or units thereof, or a particular shift or shifts. The work force subject to reduction shall consist of no less than two employees.

S 31. The executive law is amended by adding a new section 296-c to read as follows:

S 296-C. UNLAWFUL DISCRIMINATORY PRACTICES IN RELATION TO LICENSING OR EMPLOYMENT AGENCIES; UNEMPLOYMENT STATUS. 1. FOR THE PURPOSES OF THIS SECTION, THE TERM "UNEMPLOYMENT STATUS" SHALL MEAN BEING UNEMPLOYED, HAVING ACTIVELY LOOKED FOR EMPLOYMENT DURING THE THEN MOST RECENT FOUR WEEK PERIOD, AND CURRENTLY BEING AVAILABLE FOR EMPLOYMENT.

2. IT SHALL BE AN UNLAWFUL DISCRIMINATORY PRACTICE FOR AN EMPLOYER OR LICENSING AGENCY, BECAUSE OF AN INDIVIDUAL'S UNEMPLOYMENT STATUS, TO REFUSE TO HIRE OR TO EMPLOY OR TO BAR SUCH INDIVIDUAL OR TO DISCRIMINATE AGAINST SUCH INDIVIDUAL IN COMPENSATION OR IN TERMS, CONDITIONS OR PRIVILEGES OF EMPLOYMENT.

3. IT SHALL BE AN UNLAWFUL DISCRIMINATORY PRACTICE FOR AN EMPLOYER OR AN EMPLOYMENT AGENCY TO DISCRIMINATE AGAINST ANY INDIVIDUAL BECAUSE OF UNEMPLOYMENT STATUS IN RECEIVING, CLASSIFYING, DISPOSING OR OTHERWISE ACTING UPON APPLICATIONS FOR ITS SERVICES OR IN REFERRING AN APPLICANT OR APPLICANTS TO AN EMPLOYER OR EMPLOYERS.

4. IT SHALL BE AN UNLAWFUL DISCRIMINATORY PRACTICE FOR AN EMPLOYER OR AN EMPLOYMENT AGENCY TO PRINT OR CIRCULATE OR CAUSE TO BE PRINTED OR CIRCULATED ANY STATEMENT, ADVERTISEMENT OR PUBLICATION, OR TO USE ANY FORM OF APPLICATION FOR EMPLOYMENT OR TO MAKE ANY INQUIRY IN CONNECTION WITH PROSPECTIVE EMPLOYMENT, WHICH EXPRESSES DIRECTLY OR INDIRECTLY, ANY LIMITATION, SPECIFICATION OR DISCRIMINATION AS TO UNEMPLOYMENT STATUS, OR ANY INTENT TO MAKE ANY SUCH LIMITATION, SPECIFICATION OR DISCRIMINATION, UNLESS BASED UPON A BONA FIDE OCCUPATIONAL QUALIFICATION; PROVIDED, HOWEVER, THAT NEITHER THIS SECTION NOR ANY PROVISION OF THIS CHAPTER OR OTHER LAW SHALL BE CONSTRUED TO PROHIBIT THE DEPARTMENT OF CIVIL SERVICE OR THE DEPARTMENT OF PERSONNEL OF ANY CITY CONTAINING MORE THAN ONE COUNTY FROM REQUESTING INFORMATION FROM APPLICANTS FOR CIVIL SERVICE EXAMINATIONS CONCERNING THE AFOREMENTIONED CHARACTERISTIC, OTHER THAN SEXUAL ORIENTATION, FOR THE PURPOSE OF CONDUCTING STUDIES TO IDENTIFY AND RESOLVE POSSIBLE PROBLEMS IN RECRUITMENT AND TESTING OF MEMBERS OF MINORITY GROUPS TO ENSURE THE FAIREST POSSIBLE AND EQUAL OPPORTUNITIES FOR EMPLOYMENT IN THE CIVIL SERVICE FOR ALL PERSONS.

5. ANY EMPLOYER, EMPLOYMENT AGENCY, OR LICENSING AGENCY WHO VIOLATES THIS SECTION SHALL BE SUBJECT TO A CIVIL PENALTY IN AN AMOUNT NOT TO EXCEED FIVE THOUSAND DOLLARS FOR THE FIRST VIOLATION AND TEN THOUSAND DOLLARS FOR EACH SUBSEQUENT VIOLATION.

S 32. Paragraph (c) of subdivision 1 of section 593 of the labor law, as amended by chapter 35 of the laws of 2009, is amended to read as follows:

[(c) A disqualification as provided in this subdivision shall also apply after a claimant's voluntary separation from employment if such voluntary separation was due to claimant's marriage.]

S 33. Paragraph (d) of subdivision 11 of section 590 of the labor law is relettered paragraph (e) and a new paragraph (d) is added to read as follows:

(D) IN THE CASE OF A CLAIMANT WHO WAS EMPLOYED IN OTHER THAN AN INSTRUCTIONAL, RESEARCH OR PRINCIPAL ADMINISTRATIVE CAPACITY BY AN EDUCATIONAL INSTITUTION, OR PERFORMED SERVICES IN SUCH AN INSTITUTION IN SUCH CAPACITY WHILE EMPLOYED BY AN EDUCATIONAL SERVICE AGENCY, SUCH CLAIMANT IS PRESUMED NOT TO HAVE REASONABLE ASSURANCE UNDER AN OFFER THAT IS CONDITIONED ON ENROLLMENT, FUNDING OR PROGRAMMATIC CHANGES. IT IS THE COLLEGE'S BURDEN TO PROVIDE SUFFICIENT DOCUMENTATION TO OVERCOME THIS PRESUMPTION. REASONABLE ASSURANCE MUST BE DETERMINED ON A CASE-BY-CASE BASIS BY THE TOTAL WEIGHT OF EVIDENCE RATHER THAN THE EXISTENCE OF ANY ONE FACTOR. PRIMARY WEIGHT MUST BE GIVEN TO THE CONTINGENT NATURE OF AN OFFER OF EMPLOYMENT BASED ON ENROLLMENT, FUNDING AND PROGRAM CHANGES. PROVIDED, HOWEVER, THAT IN ANY UNEMPLOYMENT INSURANCE PROCEEDING A WRITTEN LETTER FROM AN EMPLOYER TO AN EMPLOYEE WHICH MAKES EMPLOYMENT CONDITIONAL SHALL NOT BE PRIMA FACIE EVIDENCE OF REASONABLE ASSURANCE TO BE USED TO DENY A CLAIM FOR UNEMPLOYMENT.

S 34. Subdivision 10 of section 590 of the labor law is amended by adding a new paragraph (d) to read as follows:

(D) IN THE CASE OF COLLEGES OR UNIVERSITIES ASSIGNED THE NORTH AMERICAN INDUSTRY CLASSIFICATION CODE 611310 OR 611210 FOR SERVICES PERFORMED IN A PRINCIPAL, ADMINISTRATIVE, RESEARCH OR INSTRUCTIONAL CAPACITY A PERSON IS PRESUMED NOT TO HAVE REASONABLE ASSURANCE UNDER AN OFFER THAT IS CONDITIONED ON ENROLLMENT, FUNDING OR PROGRAMMATIC CHANGES. IT IS THE EMPLOYER'S BURDEN TO PROVIDE SUFFICIENT DOCUMENTATION TO OVERCOME THIS PRESUMPTION. REASONABLE ASSURANCE MUST BE DETERMINED ON A CASE-BY-CASE BASIS BY THE TOTAL WEIGHT OF EVIDENCE RATHER THAN THE EXISTENCE OF ANY ONE FACTOR. PRIMARY WEIGHT MUST BE GIVEN TO THE CONTINGENT NATURE OF AN OFFER OF EMPLOYMENT BASED ON ENROLLMENT, FUNDING AND PROGRAM CHANGES. PROVIDED, HOWEVER, THAT IN ANY UNEMPLOYMENT INSURANCE PROCEEDING A WRITTEN LETTER FROM AN EMPLOYER TO AN EMPLOYEE WHICH MAKES EMPLOYMENT CONDITIONAL SHALL NOT BE PRIMA FACIE EVIDENCE OF REASONABLE ASSURANCE TO BE USED TO DENY A CLAIM FOR UNEMPLOYMENT.

S 35. Section 599 of the labor law, as amended by chapter 593 of the laws of 1991, is amended to read as follows:

S 599. Career and related training; preservation of eligibility. 1. Notwithstanding any other provision of this article, a claimant shall not become ineligible for benefits because of the claimant's regular attendance in a program of training which the commissioner has approved. The commissioner shall give due consideration to existing and prospective conditions of the labor market in the state, taking into account present and anticipated supply and demand regarding the occupation or skill to which the training relates, and to any other relevant factor. A DETERMINATION OF POTENTIAL ELIGIBILITY FOR BENEFITS UNDER THIS ARTICLE SHALL BE ISSUED TO AN UNEMPLOYED INDIVIDUAL IF THE COMMISSIONER FINDS THAT THE TRAINING IS AUTHORIZED BY THE FEDERAL WORKFORCE INVESTMENT ACT, THE STATE DIVISION OF VETERANS' AFFAIRS, THE DEPARTMENT, THE NEW YORK STATE DEPARTMENTS OF EDUCATION, CORRECTIONAL SERVICES, HEALTH, OR THE OFFICE OF MENTAL HEALTH, THE EMPIRE STATE DEVELOPMENT CORPORATION, OR THE STATE UNIVERSITY OF NEW YORK EDUCATIONAL OPPORTUNITY CENTER. However, in no event shall the commissioner approve [such] training for a

claimant NOT AUTHORIZED BY SUCH LEGISLATIVE ACT OR STATE OR QUASI-STATE ENTITY LISTED ABOVE unless:

(a) (1) the training will upgrade the claimant's existing skill or train the claimant for an occupation likely to lead to more regular long term employment; ENABLE THE CLAIMANT TO OBTAIN EMPLOYMENT THAT ACHIEVES WAGE PRESERVATION OR MAKES PROGRESS TOWARD A FAMILY-SUSTAINING WAGE; or

(2) employment opportunities for the claimant are or may be substantially impaired because of:

(i) existing or prospective conditions of the labor market in the locality or in the state or reduced opportunities for employment in the claimant's occupation or skill; or

(ii) technological change, plant closing or plant removal, discontinuance of specific plant operations, or similar reasons; or

(iii) limited opportunities for employment throughout the year due to the seasonal nature of the industry in which the claimant is customarily employed; or

(iv) the claimant's personal traits such as physical or mental handicap; and

(b) the training, INCLUDING REMEDIAL EDUCATION WHICH IS INTEGRAL TO CAREER ADVANCEMENT OR REQUIRED FOR COMPLETING CAREER-RELATED TRAINING, relates to an occupation or skill for which there are, or are expected to be in the immediate future, reasonable employment opportunities in the state; and

(c) the training is offered by a competent and reliable agency and does not require more than twenty-four months to complete; and

(d) the claimant has the required qualifications and aptitudes to complete the training successfully.

2. (a) Notwithstanding any other provision of this chapter, a claimant attending an approved training course or program under this section may receive additional benefits of up to [one hundred four] TWENTY-SIX effective [days] WEEKS following exhaustion of regular and, if in effect, any other extended benefits, provided that entitlement to a new benefit claim cannot be established. Certification of continued satisfactory participation and progress in such training course or program must be submitted to the commissioner prior to the payment of any such benefits. [The duration of such additional benefits shall in no case exceed twice the number of effective days of regular benefits to which the claimant is entitled at the time the claimant is accepted in, or demonstrates application for appropriate training.] ANY UNEMPLOYED INDIVIDUAL RECEIVING UNEMPLOYMENT INSURANCE BENEFITS PAYABLE UNDER THIS SUBDIVISION, WHO NOTIFIES THE DEPARTMENT WITH THE INTENT TO SEEK TRAINING OPPORTUNITIES UNDER THIS ARTICLE NO LATER THAN THE SIXTEENTH WEEK OF HIS OR HER RECEIVING BENEFITS, AND IS DETERMINED ELIGIBLE FOR BENEFITS UNDER THIS ARTICLE, IS ENTITLED TO A TRAINING EXTENSION OF THE FULL TWENTY-SIX EFFECTIVE WEEKS ON HIS OR HER UNEMPLOYMENT COMPENSATION CLAIM, IF NECESSARY, TO COMPLETE APPROVED TRAINING.

(b) No more than [twenty] FIFTY million dollars of benefits per year shall be made available for payment to claimants participating in such courses or programs.

(c) Participation in such training course or program shall not be limited to any selected areas or localities of the state but subject to the availability of funds, shall be available to any claimant otherwise eligible to participate in training courses or programs pursuant to this section.

(d) The additional benefits paid to a claimant shall be charged to the general account.

3. Notwithstanding any other provision of this article, a claimant who is in training approved under the federal trade act of nineteen hundred seventy-four shall not be disqualified or become ineligible for benefits because he OR SHE is in such training or because he OR SHE left employment which is not suitable employment to enter such training. For purposes hereof, "suitable employment" means work of a substantially equal or higher skill level than the claimant's past adversely affected employment and for which the remuneration is not less than eighty percent of the claimant's average weekly wage.

S 36. Section 3 of chapter 831 of the laws of 1981, amending the labor law relating to fees and expenses in unemployment insurance proceedings, as amended by chapter 331 of the laws of 2012, is amended to read as follows:

S 3. This act shall take effect January 1, 1982, provided, however, that paragraphs (a) and (c) of subdivision 3 of section 538 of the labor law as added by section one of this act shall remain in full force and effect until December 31, [2014] 2016.

S 37. Article 18 of the labor law is amended by adding a new title 7-B to read as follows:

TITLE 7-B

UNEMPLOYMENT INSURANCE FOR DOMESTIC VIOLENCE SURVIVORS

SECTION 615. DEFINITIONS.
616. ELIGIBILITY FOR UNEMPLOYMENT INSURANCE FOR DOMESTIC VIOLENCE SURVIVORS.
617. TRAINING PROGRAM.

S 615. DEFINITIONS. FOR PURPOSES OF THIS TITLE:

1. "DOMESTIC VIOLENCE" MEANS ABUSE COMMITTED AGAINST AN EMPLOYEE OR AN EMPLOYEE'S DEPENDENT CHILD BY:

(A) A CURRENT OR FORMER SPOUSE OF THE EMPLOYEE; OR

(B) A PERSON WITH WHOM THE EMPLOYEE SHARES PARENTAGE OF A CHILD IN COMMON; OR

(C) A PERSON WHO IS COHABITATING WITH, OR HAS COHABITATED WITH, THE EMPLOYEE; OR

(D) A PERSON WHO IS RELATED BY BLOOD OR MARRIAGE; OR

(E) A PERSON WITH WHOM THE EMPLOYEE HAS OR HAD A DATING OR ENGAGEMENT RELATIONSHIP.

2. "ABUSE" MEANS:

(A) CAUSING, OR ATTEMPTING TO CAUSE, PHYSICAL HARM; OR

(B) PLACING ANOTHER PERSON IN FEAR OF IMMINENT SERIOUS PHYSICAL HARM; OR

(C) CAUSING ANOTHER PERSON TO ENGAGE INVOLUNTARILY IN SEXUAL RELATIONS BY FORCE, THREAT OR DURESS, OR THREATENING TO DO SO; OR

(D) ENGAGING IN MENTAL ABUSE, WHICH INCLUDES THREATS, INTIMIDATION, STALKING AND ACTS DESIGNED TO INDUCE TERROR; OR

(E) DEPRIVING ANOTHER PERSON OF MEDICAL CARE, HOUSING, FOOD OR OTHER NECESSITIES OF LIFE; OR

(F) RESTRAINING THE LIBERTY OF ANOTHER.

S 616. ELIGIBILITY FOR UNEMPLOYMENT INSURANCE FOR DOMESTIC VIOLENCE SURVIVORS. 1. A CLAIMANT SHALL NOT BE DISQUALIFIED FROM RECEIVING UNEMPLOYMENT INSURANCE BENEFITS IF THE CLAIMANT ESTABLISHES TO THE SATISFACTION OF THE COMMISSIONER THAT THE REASON THE CLAIMANT LEFT WORK WAS DUE TO DOMESTIC VIOLENCE, INCLUDING:

(A) THE CLAIMANT'S REASONABLE FEAR OF FUTURE DOMESTIC VIOLENCE AT OR EN ROUTE TO OR FROM THE CLAIMANT'S PLACE OF EMPLOYMENT.

(B) THE CLAIMANT'S NEED TO RELOCATE TO ANOTHER GEOGRAPHIC AREA IN ORDER TO AVOID FUTURE DOMESTIC VIOLENCE.

(C) THE CLAIMANT'S NEED TO ADDRESS THE PHYSICAL, PSYCHOLOGICAL AND LEGAL IMPACTS OF DOMESTIC VIOLENCE.

(D) THE CLAIMANT'S NEED TO LEAVE EMPLOYMENT AS A CONDITION OF RECEIVING SERVICES OR SHELTER FROM AN AGENCY WHICH PROVIDES SUPPORT SERVICES OR SHELTER TO VICTIMS OF DOMESTIC VIOLENCE.

(E) ANY OTHER SITUATION IN WHICH DOMESTIC VIOLENCE CAUSES THE CLAIMANT TO REASONABLY BELIEVE THAT TERMINATION OF EMPLOYMENT IS NECESSARY FOR THE FUTURE SAFETY OF THE CLAIMANT OR THE CLAIMANT'S FAMILY.

2. A CLAIMANT MAY DEMONSTRATE THE EXISTENCE OF DOMESTIC VIOLENCE BY PROVIDING ONE OF THE FOLLOWING:

(A) A RESTRAINING ORDER OR OTHER DOCUMENTATION OF EQUITABLE RELIEF ISSUED BY A COURT OF COMPETENT JURISDICTION;

(B) A POLICE RECORD DOCUMENTING THE ABUSE;

(C) DOCUMENTATION THAT THE ABUSER HAS BEEN CONVICTED OF ONE OR MORE CRIMINAL OFFENSES ENUMERATED IN THE PENAL LAW AGAINST THE CLAIMANT;

(D) MEDICAL DOCUMENTATION OF THE ABUSE;

(E) A STATEMENT PROVIDED BY A COUNSELOR, SOCIAL WORKER, HEALTH WORKER, MEMBER OF THE CLERGY, SHELTER WORKER, LEGAL ADVOCATE, OR OTHER PROFESSIONAL WHO HAS ASSISTED THE CLAIMANT IN ADDRESSING THE EFFECTS OF THE ABUSE ON THE CLAIMANT OR THE CLAIMANT'S FAMILY; OR

(F) A SWORN STATEMENT FROM THE CLAIMANT ATTESTING TO THE ABUSE.

3. NO EVIDENCE OF DOMESTIC VIOLENCE EXPERIENCED BY A CLAIMANT, INCLUDING THE CLAIMANT'S STATEMENT AND CORROBORATING EVIDENCE, SHALL BE DISCLOSED BY THE DEPARTMENT UNLESS CONSENT FOR DISCLOSURE IS GIVEN BY THE CLAIMANT.

4. FOR A CLAIMANT WHO LEFT WORK DUE TO DOMESTIC VIOLENCE, REQUIREMENTS TO PURSUE SUITABLE WORK MUST REASONABLY ACCOMMODATE THE CLAIMANT'S NEED TO ADDRESS THE PHYSICAL, PSYCHOLOGICAL, LEGAL AND OTHER EFFECTS OF THE DOMESTIC VIOLENCE.

S 617. TRAINING PROGRAM. 1. THE COMMISSIONER SHALL IMPLEMENT A TRAINING CURRICULUM FOR EMPLOYEES OF THE DEPARTMENT WHO INTERACT WITH CLAIMANTS APPLYING FOR UNEMPLOYMENT INSURANCE DUE TO THEIR DOMESTIC VIOLENCE STATUS.

2. ALL SENIOR MANAGEMENT PERSONNEL OF THE DEPARTMENT THAT SUPERVISE THE TRAINING OF EMPLOYEES INVOLVED IN HANDLING UNEMPLOYMENT CLAIMS SHALL BE TRAINED IN THIS CURRICULUM NOT LATER THAN SIXTY DAYS FROM THE EFFECTIVE DATE OF THIS TITLE. THE COMMISSIONER SHALL DEVELOP AN ONGOING PLAN FOR EMPLOYEES OF THE DEPARTMENT WHO INTERACT WITH CLAIMANTS TO BE TRAINED IN THE NATURE AND DYNAMICS OF DOMESTIC VIOLENCE, SO THAT EMPLOYMENT SEPARATIONS STEMMING FROM DOMESTIC VIOLENCE ARE RELIABLY SCREENED AND ADJUDICATED, AND SO THAT VICTIMS OF DOMESTIC VIOLENCE ARE ABLE TO TAKE ADVANTAGE OF THE FULL RANGE OF JOB SERVICES PROVIDED BY THE DEPARTMENT.

S 38. The opening paragraph of subdivision 1 of section 560 of the labor law, as amended by chapter 103 of the laws of 1965, is amended to read as follows:

Any employer shall become liable for contributions under this article if he has paid remuneration of [three hundred] ONE THOUSAND dollars or more in any calendar quarter, except that liability with respect to persons employed in personal or domestic service in private homes shall be considered separately and an employer shall become liable for contributions with respect to such persons only if he has paid to them remuneration in cash of five hundred dollars or more in any calendar

quarter. Such liability for contributions shall commence on the first day of such calendar quarter.

S 39. Paragraph (c) of subdivision 1 of section 538 of the labor law, as amended by chapter 831 of the laws of 1981, is amended to read as follows:

(c) Claims of representatives for services rendered to a claimant in connection with any claim arising under this article shall not be enforceable unless approved by the appeal board and shall in no event exceed the benefit allowed, INCLUDING BENEFITS THAT ARE NON-RECOVERABLE PURSUANT TO SUBDIVISION FOUR OF SECTION FIVE HUNDRED NINETY-SEVEN OF THIS ARTICLE, except as provided in paragraph (d) of this subdivision. In approving any fee requested by a representative pursuant to this section, the appeal board shall consider the following factors: (i) the total benefit allowed; (ii) the time spent in providing representation; (iii) the legal and factual complexities involved; and (iv) such other factors as the appeal board may deem relevant.

S 40. Subdivision 4 of section 597 of the labor law, as amended by chapter 61 of the laws of 1998, is amended to read as follows:

4. Effect of review. Whenever a new determination in accordance with [the preceding] subdivision THREE OF THIS SECTION or a decision by a referee, the appeal board, or a court results in a decrease or denial of benefits previously allowed, such new determination or decision, unless it shall be based upon a retroactive payment of remuneration, shall not affect the rights to any benefits already paid under the authority of the prior determination or decision provided they were accepted by the claimant in good faith and the claimant did not make any false statement or representation and did not wilfully conceal any pertinent fact in connection with his or her claim for benefits. NON-RECOVERABLE BENEFITS PURSUANT TO THIS SECTION SHALL BE CONSIDERED TO HAVE BEEN ALLOWED BENEFITS FOR PURPOSES OF SECTION FIVE HUNDRED THIRTY-EIGHT OF THIS ARTICLE.

S 41. Section 10 of chapter 413 of the laws of 2003 amending the labor law relating to the self-employment assistance program and other matters, as amended by section 2 of part Z of chapter 57 of the laws of 2013, is amended to read as follows:

S 10. This act shall take effect immediately; provided, however, that sections eight and nine of this act shall expire December 7, [2015] 2017 when upon such date the provisions of such sections shall be deemed repealed.

S 42. The opening paragraph of paragraph (a) of subdivision 6 of section 511 of the labor law, as amended by chapter 675 of the laws of 1977, is amended to read as follows:

The term "employment" [does not include] INCLUDES agricultural labor [unless it is covered pursuant to section five hundred sixty-four]. The term "agricultural labor" includes all service performed:

S 43. Section 564 of the labor law, as added by chapter 675 of the laws of 1977, is amended to read as follows:

S 564. Agricultural labor CREW LEADERS. [1. Coverage. (a) Notwithstanding the provisions of section five hundred sixty of this article, an employer of persons engaged in agricultural labor shall become liable for contributions under this article if the employer:

(1) has paid cash remuneration of twenty thousand dollars or more in any calendar quarter to persons employed in agricultural labor, and such liability shall commence on the first day of such quarter, or

(2) has employed in agricultural labor ten or more persons on each of twenty days during a calendar year or the preceding calendar year, each

day being in a different calendar week, and the liability shall in such event commence on the first day of the calendar year, or

(3) is liable for the tax imposed under the federal unemployment tax act as an employer of agricultural labor and the liability shall in such event commence on the first day of the calendar quarter in such calendar year when he first paid remuneration for agricultural labor in this state.

(b) An employer who becomes liable for contributions under paragraph (a) of this subdivision shall cease to be liable as of the first day of a calendar quarter next following the filing of a written application provided the commissioner finds that the employer:

(1) has not paid to persons employed in agricultural labor cash remuneration of twenty thousand dollars or more in any of the eight calendar quarters preceding such day, and

(2) has not employed in agricultural labor ten or more persons on each of twenty days during the current or the preceding calendar year, each day being in a different week, and

(3) is not liable for the tax imposed under the federal unemployment tax act as an employer of agricultural labor.

2. Crew leader.] Whenever a person renders services as a member of a crew which is paid and furnished by the crew leader to perform services in agricultural labor for another employer, such other employer shall, for the purpose of this article, be deemed to be the employer of such person, unless:

[(a)] 1. the crew leader holds a valid certificate of registration under the federal farm labor contractor registration act of nineteen hundred sixty-three or substantially all the members of the crew operate or maintain tractors, mechanized harvesting or cropdusting machinery or any other mechanized equipment which is provided by the crew leader, and

[(b)] 2. the crew leader is not an employee of such other employer and has not entered into a written agreement with such employer under which he is designated as an employee.

S 44. Section 592 of the labor law, as amended by chapter 415 of the laws of 1983, subdivision 1 as amended by chapter 177 of the laws of 2010, is amended to read as follows:

S 592. [Suspension of accumulation of benefit rights. 1. Industrial controversy. (a) The accumulation of benefit rights by a claimant shall be suspended during a period of seven consecutive weeks beginning with the day after such claimant lost his or her employment because of a strike or other industrial controversy except for lockouts, including concerted activity not authorized or sanctioned by the recognized or certified bargaining agent of the claimant, and other concerted activity conducted in violation of any existing collective bargaining agreement, in the establishment in which he or she was employed, except that benefit rights may be accumulated before the expiration of such seven weeks beginning with the day after such strike or other industrial controversy was terminated.

(b) Benefits shall not be suspended under this section if:

(i) The employer hires a permanent replacement worker for the employee's position. A replacement worker shall be presumed to be permanent unless the employer certifies in writing that the employee will be able to return to his or her prior position upon conclusion of the strike, in the event the strike terminates prior to the conclusion of the employee's eligibility for benefit rights under this chapter. In the event the employer does not permit such return after such certification, the employee shall be entitled to recover any benefits lost as a result of

the seven week suspension of benefits, and the department may impose a penalty upon the employer of up to seven hundred fifty dollars per employee per week of benefits lost. The penalty collected shall be paid into the unemployment insurance control fund established pursuant to section five hundred fifty-two-b of this article; or

(ii) The commissioner determines that the claimant:

(A) is not employed by an employer that is involved in the industrial controversy that caused his or her unemployment and is not participating in the industrial controversy; or

(B) is not in a bargaining unit involved in the industrial controversy that caused his or her unemployment and is not participating in the industrial controversy.

2.] Concurrent payments prohibited. No days of total unemployment shall be deemed to occur in any week with respect to which or a part of which a claimant has received or is seeking unemployment benefits under an unemployment compensation law of any other state or of the United States, provided that this provision shall not apply if the appropriate agency of such other state or of the United States finally determines that he is not entitled to such unemployment benefits.

[3. Terms of suspension. No waiting period may be served during a suspension period.

The suspension of accumulation of benefit rights shall not be terminated by subsequent employment of the claimant irrespective of when the claim is filed except as provided in subdivision one and shall not be confined to a single benefit year.

A "week" as used in subdivision one of this section means any seven consecutive calendar days.]

S 45. This act shall take effect immediately; provided, however, that the amendments to paragraph (a) of subdivision 5 of section 590 of the labor law, as amended by section nine-a of this act shall take effect at the same time and in the same manner as section 8 of part O of chapter 57 of the laws of 2013, takes effect; provided, further, that the amendments to subdivision 1 of section 591 of the labor law made by section twelve of this act shall be subject to the expiration and reversion of such subdivision pursuant to section 10 of chapter 413 of the laws of 2003, as amended, when upon such date the provisions of section thirteen of this act shall take effect; provided, further, however, that the amendment to section 591-a of the labor law made by section fourteen of this act shall not affect the repeal of such section and shall be deemed repealed therewith.